BROOKS, PIERCE, McLendon, Humphrey & Leonard, L.L.P.

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HENRY E. FRYE OF COUNSEL

J. LEE LLOYD SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEDNARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)

GREENSBORO OFFICE 2000 RENAISSANCE PLAZA 230 NORTH ELM STREET GREENSBORO, N.C. 27401

WASHINGTON OFFICE 601 PENNSYLVANIA AVENUE, N.W. SUITE 900, SOUTH BUILDING WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

DOCKET FILE COPY ORIGINAL

January 18, 2005

RECEIVED

JAN 1 8 2005

Federal Communications Commission
Office of Secretary

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12th Street, S.W., TW-A325 Washington, D.C. 20544

ELIZABETH S. BREWINGTON H. ARTHUR BOLICK (I J. EDWIN TURLINGTON

JOHN M. CROSS, JR. JENNIFER K. VAN ZANT KATHLEEN M. THORNTON

DAVID W. SAR BRIAN J. McMILLAN

COE W. RAMSEY ROBERT W. SAUNDERS

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CHARLES E. COBLE JOHN M. DEANGELIS

KATHRYN V. PURDOM STEPHEN G. HARTZELL-JORDAN

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J. BENJAMIN DAVIS CAROLINE R. HEIL

SARA R. VIZITHUM C. SCOTT MEYERS

KATHERINE A MURPHY

JOHN S. BUFORD NICOLE A. CRAWFORD

ALEXANDER ELKAN

ANDREW J. HAILE CHARLES F. MARSHALL III

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M DANIEL MCGINN

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REID L. PHILLIPS

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FORREST W. CAMPBELL, JR. MARCUS W. TRATHEN

S. KYLE WOOSLEY

JEAN C. BROOKS JAMES C. ADAMS II

ALLISON M. GRIMM

MICHAEL D. MEEKER WILLIAM G. MCNAIRY EDWARD C. WINSLOW III HOWARD L. WILLIAMS GEORGE W. HOUSE

EDGAR B. FISHER, JR. W. ERWIN FULLER, JR.

JAMES T. WILLIAMS, JR. WADE H. HARGROVE

Re: In the Matter of Amendment of Section 73.606(b), Table of Allotments,

Television Broadcast Stations, and Section 73.622(b),

Table of Allotments, Digital Television Broadcast Stations

(Columbia and Edenton, North Carolina)

MB Docket No. 04-289

RM-10802

Dear Ms. Dortch:

Enclosed please find, on behalf of The University of North Carolina, the original and four copies of the following letters and other documents for filing in the above-referenced matter.

(1) Government Board Resolutions

- (a) Resolution of Support for the Relocation of WUND-TV's Community of License From Columbia to Edenton from the Gates County Board of Commissioners, Gatesville, North Carolina
- (b) Resolution of Support for WUND-TV to Relocate from Columbia, North

No. of Copies rec'd 0+4
List ABCDE

91547-v1

Ms. Marlene H. Dortch January 18, 2005 Page 2

Carolina, to Edenton, North Carolina, from the Hertford County Commissioners, Edenton, North Carolina

(c) Letter of Support for the WUND-TV's Petition for Relocation sent to Secretary Dortch with the Federal Communications Commission from the County Manager for County of Pasquotank, Elizabeth City, North Carolina

(2) Support Letters from North Carolina Residents in the Norfolk DMA

Ruth D. Bell, Elizabeth City, NC Thomas L. Cherry, Ahoskie, NC George Cusack, Elizabeth City, NC Shirley Garrett, Nags Head, NC Mumtaz B. Khan, Elizabeth City, NC Sekender A. Khan, Elizabeth City, NC Elizabeth Kays, Nags Head, NC Becky McLawhorn, Gates, NC Dearl D. Neal, Camden, NC Francis E. Rohde, Kill Devil Hills, NC Dr. Janet I. Riddick, Kill Devil Hills, NC Candace Sample, Poplar Branch, NC Anna B. Sheesley, Elizabeth City, NC M. J. Nase-Sullivan, Pt. Harbor, NC Sherri Trueblood, Hertford, NC George H. Wood, Kill Devil Hills, NC

(3) Support Letters from North Carolina Residents in the Greenville DMA

Evelyn C. Mooney, Fairfield, NC Michael D. Neal, Colerain, NC Reid Sadler, Swan Quarter, NC Jeanne Weaver, Plymouth, NC

(4) Support Letters from Virginia Residents in the Norfolk DMA

Denise A. Bamberg, Chesapeake, VA Edwin L. Brinker, Virginia Beach, VA Martin E. Denton, Virginia Beach, VA Nicole L. Entenza, Virginia Beach, VA Melynda M. Flynn, Virginia Beach, VA Wayne Hogge, Chesapeake, VA Wilton Hogge, Chesapeake, VA Ms. Marlene H. Dortch January 18, 2005 Page 3

> Dr. Man Hyong Kim, Virginia Beach, VA Rosemarie E. Infantino, Virginia Beach, VA Raymond Levesque, Virginia Beach, VA Jennifer Eve Thomas, Portsmouth, VA Alice R. Via, Virginia Beach, VA Laura P. Wright, Virginia Beach, VA

It is respectfully requested that the Bureau accept these documents notwithstanding the fact that they are being filed after the reply comment deadline as they reflect citizen letters and municipal government action that have been received subsequent to the reply comment deadline.

WUND-TV has previously filed numerous letters of support from city and county governments and individuals. Overall, with the letters of support attached to this filing, nearly 1300 individual letters of support for relocating WUND-TV's community of license from Columbia, North Carolina, to Edenton, North Carolina, have been filed in this proceeding, including those of 14 North Carolina city and county governments or their officials, 227 North Carolina residents in the Greenville DMA, 778 North Carolina residents in the Norfolk DMA, and 275 Virginia residents in the Norfolk DMA.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Sincerely,

Marcus W. Trathen

Counsel to The University of North Carolina

MWT/jek Enclosures

Certificate of Service

The undersigned, of the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., hereby certifies that s/he has caused a copy of the foregoing letter to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Chairman Michael K. Powell[†] Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy[†] Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Commissioner Michael J. Copps[†] Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Commissioner Kevin J. Martin[†] Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Commissioner Jonathan S. Adelstein[†] Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Barbara Kreisman, Chief
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Todd Gray Margaret Miller Dow, Lohnes & Albertson, PLLC 1200 New Hampshire Ave., N.W. Suite 800 Washington, DC 20036

J.D. Brickhouse Tyrrell County Board of Commissioners Post Office Box 449 Columbia, NC 27925

Luther C. Copeland County Manager Chowan County PO Box 1030 Edenton, NC 27932

Mr. Stanley T. Holland, Jr. 1113 W. Sound Shore Drive Edenton, NC 27932

James E. Dunstan Garvey Schubert Barer 1000 Potomac Street, NW, 5th Floor Washington, DC 20007

Judy Kolt

This the 18th day of January, 2005.

† Via hand-delivery

Attachment 1

Board Resolutions

Bates County Board of Commissioners RECEIVED DEC 15 2004

MARK E. BIBERDORF, CLERK Gatesbille, North Carolina 27938

J.S. PIERCE, CHAIRMAN SUNBURY, NC

WILLIAM H. HARRELL, VICE CHAIRMAN EURE, NC

L. FRANK ROUNTREE HOBBSVILLE, NC

MARSHA FAULK LANGSTON GATES, NC

DAVID R. BROWN GATESVILLE, NC

MARK E. BIBERDORF COUNTY MANAGER GATESVILLE, NC TEL. 252-357-1240 FAX 252-357-0073

December 13, 2004

Mr. Tom Howe, Director & General Manager **UNC-TV** P. O. Box 14900 Research Triangle Park Raleigh, North Carolina 27709-4900

Dear Mr. Howe:

This is to notify you that the Gates County Board of Commissioners took action at their December 6, 2004 meeting to approve a resolution that supports the moving of the community of license from Columbia to Edenton. A certified copy of that resolution is enclosed for your review.

The Gates County Board of Commissioners stands behind your efforts to bring valuable community programming to the residents of Gates County. If there is anything that myself or the Board can do to facilitate the approval of the FCC license change, please do not hesitate to let me know.

Thank you for all of your efforts in this matter.

Sincerely,

MMIE Blundy Mark E. Biberdorf

County Manager

Enclosure

Cc: Luther C. Copeland

Gates County Board of Commissioners

Mark E. Biberdorf, Clerk Gatesbille, North Carolina 27938

J.S. PIERCE, CHAIRMAN SUNBURY, NC

WILLIAM H. HARRELL, VICE CHAIRMAN EURE, NC

L. FRANK ROUNTREE HOBBSVILLE, NC

Marsha Faulk Langston Gates, NC

DAVID R. BROWN
GATESVILLE, NC

MARK E. BIBERDORF COUNTY MANAGER GATESVILLE, NC TEL. 252-357-1240 FAX 252-357-0073

RESOLUTION OF SUPPORT FOR THE RELOCATION OF WUND-TV'S COMMUNITY OF LICENSE FROM COLUMBIA TO EDENTON

WHEREAS, WUND-TV is seeking to relocate its community of license so that satellite TV carriers will be required to carry the UNC signal to those NC counties located in the Tidewater MDA; and

WHEREAS, WUND-TV is desiring to relocate its community of license from Columbia, North Carolina to Edenton, North Carolina to allow for coverage of the UNC signal for satellite customers in the northern Albemarle area; and

WHEREAS, if this request is not approved by the FCC, then the satellite carriers will only be required to carry the Virginia Public Television signal – WHRO-TV; and

WHEREAS, Gates County has indicated its support for the relocation of the community of license so that satellite customers in our area may also be able to enjoy the rich array of North Carolina programming provided by the UNC signal; and

WHEREAS, the North Carolina Congressional Delegation has endorsed the original petition submitted by WUND-TV; and

WHEREAS, EchoStar Satellite, L.L.C. has submitted a petition to the FCC opposing the relocation of the community of license from Columbia to Edenton; and

WHEREAS, if the application to move the community of license is denied by the FCC, then residents in Gates County and northeastern North Carolina that receive their TV signal via satellite will not have access to hundreds of hours of public television tailored to North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gates that it is providing its support for the approval of the application to the FCC to move the community of license for WUND-TV from Columbia to Edenton.

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Gates at a meeting on the 6th day of December, 2004.

Witness my hand and official seal this the 6th day of December, 2004.

(SEAL)

J. S. Pierce, Chairman

Gates County Board of Commissioners

ATTEST:

Mark E. Biberdorf, Clerk

Gates County Board of Commissioners

RESOLUTION OF SUPPORT FOR WUND-TV TO RELOCATE FROM COLUMBIA, NC, TO EDENTON, NC

- WHEREAS, WUND-TV Public Television has been serving citizens of Hertford County over the airwaves and by cable for many years; and
- WHEREAS, Citizens of Hertford County get much of the news of the day by way of this public TV facility; and
- WHEREAS, Current events and cultural events are carried on public TV and not available on any commercial networks; and
- WHEREAS, It is most unfair to exclude Hertford County citizens who are out of reach of cable and airwave signal from these essential services delivered by WUND-TV;
- NOW, BE IT RESOLVED the Hertford County Board of Commissioners at their regular meeting in Winton, NC, on Monday, December 6, 2004, do urge Marlene S. Dortch, Secretary, Federal Communications Commission, to treat with favor and approve the petition of WUND-TV and the University of North Carolina to change the license of WUND from Columbia, NC, to Edenton, NC, located in Chowan County and assigned to the Norfolk Portsmouth Newport News, Virginia ("Norfolk") DMA (No. 41).

This resolution approved by the Hertford County Commissioners on December 6, 2004, with instruction to be forwarded to the Secretary of the Federal Communications Commission, the two North Carolina Senators, and the Congressional representative.

Dufferd County Commissioners

Patricia M. Weaver, Clerk to the Board

Patricia M. Weaver



CHOWAN COUNTY, NORTH CAROLINA

EDENTON, NORTH CAROLINA 27932

November 17, 2004

Donald Craft Hertford County PO Box 116 Winton, NC 27986

Dear Donald:

WUND-TV is seeking to relocate its community of license from Columbia to Edenton so that satellite TV carriers will be required to carry the UNC signal to those NC counties located in the Tidewater MDA. If this request is not approved by the FCC, then the satellite carriers will only be required to carry the Virginia Public Television signal-WHRO-TV. Edenton is located within the MDA of the Tidewater area; Columbia is not. Additionally, WUND will continue to use the Columbia name along with Edenton as its broadcast location. This move has been endorsed by both Tyrell County and the Town of Columbia.

You would think this would be a slam dunk, but I understand that in fact it is very much uphill battle. I am enclosing a copy of a petition submitted to the FCC by Echo Star Satellite, L.L.C. In this petition, it officially opposes the relocation from Columbia to Edenton. Since it will not cost Echo Star or any of the other carriers additional costs to carry the WUND signal, Echo Star's opposition is difficult to explain.

The entire North Carolina Congressional Delegation has endorsed the original petition submitted by WUND-TV. I realize that each of the County Managers have submitted letters of support to the Federal Communications Commission, but at this point I feel like we need to up the ante. The Board of Commissioners need to adoption resolutions supporting the relocation of the community of license and also personally contact the Federal Communications Commission. If we do not pursue this issue in a most aggressive matter, the net result will be that the residents of northeastern North Carolina that receive their TV signal via satellite will be not have access to hundreds of hours of public television tailored to North Carolina.

If I can provide any more information, please do not hesitate to give me or Tom Howe a call at WUND-TV at 919-549-7000.

Sincerely,

Luther C. Copeland County Manager

Enc

cc:

Honorable Butterfield Honorable Jones Virginia Pilot News & Observer Daily Advance Chowan Herald Tow Howe

cbb

REQUEST FOR BOARD ACTION

MEMO#	5629
DATE:	December 3, 2004
TO:	THE COUNTY COMMISSIONERS
FROM:	Donald C. Craft
	County Manager
MANAGE	Request a Resolution in support of WUND public TV efforts to relocate their base of operation from Columbia to Edenton. The objective is to allow rural citizens in northeastern North Carolina to receive public TV through satellite transmission. R'S RECOMMENDATION
FUNDING	SOURCE (IF APPLICABLE)
LOCAL	
STATE	
FEDERAL	

RECEIVED DEC 15 7004

COMMISSIONERS

Bill Trueblood, Chairman Cecil Perry, Vice-Chairman Matt Wood Lloyd E. Griffin, III John "Hank" Krebs Marshall H. Stevenson, Jr Jeff Dixon



COUNTY MANAGER
Randy Keaton

COUNTY ATTORNEY
R. Michael Cox

CLERK TO THE BOARD
Karen Jennings

COUNTY OF PASQUOTANK

Post Office Box 39 Elizabeth City, North Carolina 27907-0039 (252)335-0865 Fax (252)335-0866

December 14, 2004

Ms. Marlene S. Dortch, Secretary Federal Communications Commission c/o Natek, Inc. 236 Massachusetts Avenue, NE, Suite 110 Washington, DC 20002

Dear Ms. Dortch:

I am writing on behalf of the Pasquotank County Board of Commissioners in regard to a petition filed by UNC-TV to change WUND-TV/DT's community of license from Columbia, North Carolina to Edenton, North Carolina. The Pasquotank County Commissioners adopted the following resolution at their meeting on December 6, 2004:

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners hereby supports the petition by WUND-TV to relocate its community of license from Columbia, North Carolina to Edenton, North Carolina so that satellite TV carriers will be required to carry the UNC signal to those North Carolina counties located in the Tidewater DMA.

This petition by WUND-TV is extremely important to the citizens of Northeastern North Carolina who receive their TV signal via satellite. If this petition is not approved, the only access to public television that our citizens will have will be via the Virginia public television signal – WHRO TV. Our citizens depend on the unique programming that they receive through WUND-TV and they should be able to receive the public television station that they support.

The Pasquotank County Commissioners strongly encourage you to approve this petition submitted by WUND-TV to relocate its community of license from Columbia to Edenton. The citizens of North

Ms. Marlene S. Dortch December 14, 2004 Page 2

Carolina should not be penalized simply because we live in the Tidewater DMA. Thanking you in advance, I am

Sincerely yours,

Randy Keaton County Manager

RK/ksj

cc: The Honorable G.K. Butterfield

The Honorable Walter B. Jones, Jr.

Mr. Luther C. Copeland

Mr. Tom Howe 🗸

Attachment 2

Support Letters from North Carolina Residents in the Norfolk DMA

Ms. Marlene H. Dortch Office of the Secretary Federal Communications Commission Washington, DC 20554

Dear Ms. Dortch:

I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

As a viewer of and donor to UNC-TV through WUND, I support this Petition, and I urge the Federal Communications Commission to grant UNC-TV's request. I believe it is important that the FCC understand that those of us in the Norfolk DMA who live in North Carolina and who receive or want to receive television via satellite will benefit tremendously from this change. If this change is not approved, then thousands of satellite subscribers in eight northeast North Carolina counties-Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, and Dare-will not have access to all those programs UNC-TV produces just for North Carolinians.

UNC-TV not only broadcasts excellent public television programs from PBS, but also, and more importantly, it produces and broadcasts hundreds of hours of programs intended for North Carolinians and those in surrounding states interested in our state's activities and issues. These programs include a nightly information program, North Carolina Now; a weekly program on activities at the North Carolina General Assembly, Legislative Week in Review; a weekly program on activities, events, and places to go in North Carolina titled North Carolina Weekend; a weekly interview program with prominent North Carolina citizens titled North Carolina People; and an extensive, ongoing schedule of documentaries and specials on North Carolina cultural activities and events.

Unfortunately, thousands of North Carolina citizens in the northeastern part of our state who receive their television service on satellite are unable to receive UNC-TV via the local-to-local service made available by their satellite provider. Instead, they will continue to receive their public television from a Virginia station while paying, through tax dollars and personal support, for the important and unique programming and services of UNC-TV. It seems to me to be unacceptable that these viewers who desire information and programs about North Carolina cannot receive them via satellite. If the FCC grants the UNC-TV request to change the city of license for WUND-TV/DT from Columbia to Edenton, then the people in these counties will be able to receive the service of UNC-TV via satellite.

I believe that this change will have an extremely positive impact on those viewers who want to receive UNC-TV by satellite. The public service benefit to the people residing in the counties mentioned would be tremendous. At the same time, the Columbia area will suffer no loss from this change. I strongly support UNC-TV's Petition.

Sincerely,

Ruth D. Bell

name: Ruth D. Bell address: 110 Hunter's Trail East Elizabeth City, NC 27909

Ms. Marlene H. Dortch Office of the Secretary Federal Communications Commission Washington, DC 20554

Dear Ms. Dortch:

I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

As a viewer of and donor to UNC-TV through WUND, I support this Petition, and I urge the Federal Communications Commission to grant UNC-TV's request. I believe it is important that the FCC understand that those of us in the Norfolk DMA who live in North Carolina and who receive or want to receive television via satellite will benefit tremendously from this change. If this change is not approved, then thousands of satellite subscribers in eight northeast North Carolina counties—Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, and Dare—will not have access to all those programs UNC-TV produces just for North Carolinians.

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Sincerely,

name: Thomas L. Cherry
address: f.O. Box 67
Ahoskie, N.C. 27910

September 2004

Ms. Marlene H. Dortch Office of the Secretary Federal Communications Commission Washington, DC 20554

Dear Ms. Dortch:

I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

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September 2004

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Sincerely,

Signature David

name: Shirly Garrett

address: , OD CRATCEUD CA

NAGS HEAD NC 217959

September 2004

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Sincerely,

inter B Lla

Ms. Marlene H. Dortch Office of the Secretary Federal Communications Commission Washington, DC 20554

Dear Ms. Dortch:

I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

As a viewer of and donor to UNC-TV through WUND, I support this Petition, and I urge the Federal Communications Commission to grant UNC-TV's request. I believe it is important that the FCC understand that those of us in the Norfolk DMA who live in North Carolina and who receive or want to receive television via satellite will benefit tremendously from this change. If this change is not approved, then thousands of satellite subscribers in eight northeast North Carolina counties—Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, and Dare-will not have access to all those programs UNC-TV produces just for North Carolinians.

UNC-TV not only broadcasts excellent public television programs from PBS, but also, and more importantly, it produces and broadcasts hundreds of hours of programs intended for North Carolinians and those in surrounding states interested in our state's activities and issues. These programs include a nightly information program, North Carolina Now; a weekly program on activities at the North Carolina General Assembly, Legislative Week in Review; a weekly program on activities, events, and places to go in North Carolina titled North Carolina Weekend; a weekly interview program with prominent North Carolina citizens titled North Carolina People; and an extensive, ongoing schedule of documentaries and specials on North Carolina cultural activities and events.

Unfortunately, thousands of North Carolina citizens in the northeastern part of our state who receive their television service on satellite are unable to receive UNC-TV via the local-to-local service made available by their satellite provider. Instead, they will continue to receive their public television from a Virginia station while paying, through tax dollars and personal support, for the important and unique programming and services of UNC-TV. It seems to me to be unacceptable that these viewers who desire information and programs about North Carolina cannot receive them via satellite. If the FCC grants the UNC-TV request to change the city of license for WUND-TV/DT from Columbia to Edenton, then the people in these counties will be able to receive the service of UNC-TV via satellite.

I believe that this change will have an extremely positive impact on those viewers who want to receive UNC-TV by satellite. The public service benefit to the people residing in the counties mentioned would be tremendous. At the same time, the Columbia area will suffer no loss from this change. I strongly support UNC-TV's Petition.

Sincerely,

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Office of the Secretary
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Washington, DC 20554

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